REMARKS

Claims 1-9 are currently being examined in this application, and stand rejected. Claims 1 and 9 have been amended in order to more particularly point out, and distinctly claim, the subject matter to which the applicants regard as their invention. Claims 1-3, 6, and 9 have been amended to remove means-plus-function language. The applicants respectfully submit that no new matter has been added, and it is believed that these amendments are fully responsive to the Office Action dated **May 22, 2008**.

Claims 1-3, 6, and 9 have been amended to remove means plus function language. Claims 1 and 9 have also been amended to clarify that instead to the generator being reactivated at the end of a telephone call, the first content signal is reactivated.

In this office action, claims 1-8 are rejected under 35 U.S.C. § 103(a) for being unpatentable over Boys (U.S. Patent App. No. 2002/0001303) in view of Schmidt (U.S. Patent No. 6,522,894).

Boys is directed towards an internet radio device having an IP telephony mode (Abstract).

However, this office action acknowledges that Boys "does not teach automatically reactivating the generating means upon terminal of the telephone voice signal" (Page 3, lines 1-2). The office action then asserts that Schmidt teaches automatically reverting to a default mode when a

phone call has ended. The office action asserts that this limitation is an obvious addition to Boys.

Schmidt is directed towards a simplified speaker mode for a wireless communications device, and discloses "the wireless communications device reverts to the default mode when the call session ends" (Abstract).

Claim 1, as well as Claim 9, is herein amended wherein each type of broadcast data received is decoded by a common DSP 20 (See specification page 25, lines 12-16). This limitation is disclosed in either Schmidt or Boys. This is a significant invention because it reduces the cost of the invention by streamlining the necessary elements for the unit's digital signal processing.

The reproducer corresponds to the DSP 20 in the embodiments. The generator corresponds to the CD player 52 or the AM/FM tuner 54, and similarly the second content signal is equivalent to the analog sound signal output from the CD player 52 or the signal output from the AM/FM tuner 54. Therefore, the second content signal does not need to be reproduced by the reproducer.

The second outputter corresponds to the speakers 28 and 30. The sound signal of the internet radio, through the DSP 20, when the received signal is not the output of the speaker 36a (i.e., in the radio mode - see page 5, lines 2-22), and the received signal is output from the speaker 36a (i.e., in the telephone mode, the sound signal output from the CD player 52 or the AM/FM tuner 54 is

applied – see page 5, line 23, through page 6, line 18). Therefore, it is easily understood that the second outputter outputs the first content signal after reproducing by the reproducer when said telephone voice signal is not output by said first outputter, and the second content signal generated by the generator when the telephone voice signal is output by the outputter. This action is clarified by the present amendments and is not disclosed by either Boys or Schmit.

As such, withdrawal of the rejection under 35 U.S.C. § 103(a) as to claims 1-9 is in order and respectfully solicited.

In this office action, claims 9 and 3-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Boys (U.S. Patent App. No. 2002/0001303) for the reasons asserted in the first office action. The applicants respectfully traverse this rejection.

Under MPEP 2131, for a patent claim to be anticipated under 35 U.S.C. § 102, each and every element as set forth in the claim must be found, either expressly or inherently, in a single prior art reference. This has been recently confirmed in the decision of the U.S. Court of Appeals for the Federal Circuit in *SRI Int'l, Inc. v. Internet Security Systems*, 511 F.3d 1186, 1192 (Fed. Cir. 2008). Because the office action has acknowledged that Boys "does not teach automatically reactivating the generating means upon terminal of the telephone voice signal," as found in Claim 1, Boys cannot anticipate any claim which depends upon Claim 1. Because Claims 3-8 all directly, or indirectly,

depend upon Claim 1, these claims are also not anticipated by Boys. Further, due to the limitation of a DSP, the presently presented amendments provide further basis for withdrawal of the anticipation rejections.

Additionally, the present amendments to claims 9, similarly to claim 1, are also not rendered obvious by the cited references. According to claim 9, if the reproducing signal is changed from the first content signal to the telephone voice signal when first content signal is active, the telephone voice signal is output from the first outputter and at the same time from the second outputter, instead of the first content signal, the second content signal becomes the output. When the telephone call ends, the reproducing signal is changed to the first content signal from the telephone voice signal, the telephone voice signal from the first outputter is stopped and the status returns to the state that the first content signal is output from the second outputter.

In contrast, Boys lacks elements equal to the generator, the disabler and second outputter. Thus, when the invention of Boys receives an IP telephone call while the user listens to the internet radio signal, no substitute sound signal for the IP radio, FM radio, or the CD is ever output simultaneously to the telephone voice signal. The same problem also occurs with the invention of Schmidt. Even if Schmidt returns its apparatus to the same state after termination of a telephone call as it was prior to that call, the combination of Boys and Schmidt does not render the present invention obvious.

Thus, even if Boys and Schmidt were read together, a person of ordinary skill in the art would not understand their combination to render the present invention obvious.

As such, claims 9 and 3-8 are believed to be patentable, and in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 102(b) is not in order and respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims 1-9 are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Jason T. Somma
Attorney for Applicants
Reg. No. 61,526

JTS/evb

Atty. Docket No. **050302**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930 ext. 211

23850
PATENT & TRADEMARK OFFICE